



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-13

from Ch. 38, par. 12-13

Amends the Criminal Code of 1961. Makes a technical change in the Section relating to the offense of criminal sexual assault.

LRB093 17140 RLC 42806 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 12-13 as follows:

6 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

7 Sec. 12-13. Criminal Sexual Assault.

8 (a) The accused commits criminal sexual assault if he or
9 she:

10 (1) commits an act of sexual penetration by the use of
11 force or threat of force; or

12 (2) commits an act of sexual penetration and the
13 accused knew that the victim was unable to understand the
14 nature of the act or was unable to give knowing consent; or

15 (3) commits an act of sexual penetration with a victim
16 who was under 18 years of age when the act was committed
17 and the accused was a family member; or

18 (4) commits an act of sexual penetration with a victim
19 who was at least 13 years of age but under 18 years of age
20 when the act was committed and the accused was 17 years of
21 age or over and held a position of trust, authority or
22 supervision in relation to the victim.

23 (b) Sentence.

24 (1) Criminal sexual assault is a Class 1 felony.

25 (2) A person who is convicted of the offense of
26 criminal sexual assault as defined in paragraph (a)(1) or
27 (a)(2) after having previously been convicted of the
28 offense of criminal sexual assault, or who is convicted of
29 the offense of criminal sexual assault as defined in
30 paragraph (a)(1) or (a)(2) after having previously been
31 convicted under the laws of this State or any other state
32 of an offense that is substantially equivalent to the

1 offense of criminal sexual assault, commits a Class X
2 felony for which the person shall be sentenced to a term of
3 imprisonment of not less than 30 years and not more than 60
4 years. The commission of the second or subsequent offense
5 is required to have been after the initial conviction for
6 this paragraph (2) to apply.

7 (3) A person who is convicted of the offense of
8 criminal sexual assault as defined in paragraph (a)(1) or
9 (a)(2) after having previously been convicted of the
10 offense of aggravated criminal sexual assault or the
11 offense of predatory criminal sexual assault of a child, or
12 who is convicted of the offense of criminal sexual assault
13 as defined in paragraph (a)(1) or (a)(2) after having
14 previously been convicted under the laws of this State or
15 any other state of an offense that is substantially
16 equivalent to the offense of aggravated criminal sexual
17 assault or the offense of criminal predatory sexual assault
18 shall be sentenced to a term of natural life imprisonment.
19 The commission of the second or subsequent offense is
20 required to have been after the initial conviction for this
21 paragraph (3) to apply.

22 (4) A second or subsequent conviction for a violation
23 of paragraph (a)(3) or (a)(4) or under any similar statute
24 of this State or any other state for any offense involving
25 criminal sexual assault that is substantially equivalent
26 to or more serious than the sexual assault prohibited under
27 paragraph (a)(3) or (a)(4) is a Class X felony.

28 (5) When a person has any such prior conviction, the
29 information or indictment charging that person shall state
30 such prior conviction so as to give notice of the State's
31 intention to treat the charge as a Class X felony. The fact
32 of such prior conviction is not an element of the offense
33 and may not be disclosed to the jury during trial unless
34 otherwise permitted by issues properly raised during the
35 ~~such~~ trial.

36 (Source: P.A. 90-396, eff. 1-1-98.)